IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No.4088 of 1999
Date of decision December 6, 2006

Gurdev Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present:- Ms. Anju Arora, Advocate
for the petitioner.

Sh. Sukhdip Singh Brar,
Additional Advocate General, Punjab
for respondent Nos. 1 to 4.

Sh. Ramesh Sharma, Advocate
for respondent No.5.

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Viney Mittal, J (Oral)

The petitioner Gurdev Kaur has filed the present writ petition for issuance of directions to the respondents to grant subsistence allowance to her.

On June 22, 1991, Daljeet Singh, son of the petitioner was killed by terrorists, along with two other persons Piara Singh and Balkar Singh. On account of the death of Daljeet Singh, the petitioner being his mother, was paid an amount of Rs.1 lac as an ex-gratia compensation. Later on the petitioner claimed that she was also entitled to subsistence allowance as per the policy dated January 10, 1990 framed by the State Government. The claim made by the petitioner was not accepted by the State Government and it is in these circumstances that the petitioner has

approached this Court through the present petition.

The claim of the petitioner has been contested by the respondents.

In the written statement filed by the respondents, it has been maintained by them that as per the amended policy dated May 10, 1990 (Annexure R-1) only the "dependent parents of the innocent civilian killed, if he was unmarried, provided the son was the sole bread winner for his parents" were entitled to subsistence allowance.

It has been maintained by the respondents that since Daljeet Singh was having two more brothers and was not the sole bread winner of the family, therefore, the petitioner was not entitled to any subsistence allowance. An affidavit dated March 24, 2000 has also been filed by Sh. S. K. Sabharwal, PCS, Sub-Divisional Magistrate, Budhlada wherein following averments made by the aforesaid deponent may be noticed :-

> *"That as per revenue record (Jamabandi for the year 1987-88), the husband of the petitioner was the owner of agriculture land measuring 46 kanals 2 marals in village Alampur Mandran and as per Jamabandi for the year 1991-92, the petitioner was the owner of Agriculture land measuring 41 Kanals 11 Marlas in village Udat Saidainwala. Jamabandies are annexed as R-4 and R-5 and its English translation are R-4/T and R-5/T.*
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> *That moreover, after the death of Sh. Jagmail Singh (husband of petitioner), the petitioner Gurdev Kaur is the co-owner along with her two sons viz. Gurbax Singh and Gurjeet Singh sons of Jagmail Singh of agriculture land measuring 46 Kanals 2 Marlas in village Alampur Mandran. Jamabandi for the year 1997-98 is annexed as R-6 and its English translation.*

is R-6/T."

Thus, as on date the petitioner & her two sons viz. Gurbax Singh and Gurjeet Singh are the owner of agriculture land measuring 103 Kanals 17 marlas.

That as per report of Halqa Kanungo the petitioner Gurdev Kaur is earning approx. Rs.71,000/- per annum from this agriculture land and her two sons namely Gurbax Singh and Gurjeet Singh are obtaining Rs. 59,000/- per annum. Report of Halqa Kanungo is annexed as R-7 and its English Translation is R-7/T."

Keeping in view the stand taken by the respondents and specifically the facts brought by the additional affidavit filed by Sh. S. K. Sabharwal, it is apparent that the claim of the petitioner is not covered by the policy instructions Annexure R-1. The petitioner at the time of death of her son-Daljeet herself was an earning member and had also two more sons who were earning.

In these circumstance, the claim made by the petitioner for grant of subsistence allowance is without any justification.

As a result of the aforesaid discussion, I do not find any merit in the present petition. The same is dismissed.

(VINEY MITTAL)
JUDGE

December 6, 2006
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